

THE
TITLE
OF
KING'S
PROVED TO BE
JURE DIVINO.

And that King CHARLES II. was the Rightful and Lawful Heir to the Crown of *England*, and that the Life of his Father K. CHARLES I. was taken away Unjustly, contrary to the Common Law, Statute Law, and all the Laws of *England*.

In a Short Essay,

Written by W. Prynne Esquire.

And Published in the Year 1660. and now Reprinted, with a Preface and Postscript; and humbly proposed as an Antidote against the Poyson of Novel Doctrines.

LONDON, Printed and Sold by A. Baldwin at the Oxford-Arms in Warwick-Lane.. Price 2*d.*



Library Fund

Entered in 1842

Rec'd Dec. 21, 1844

To the READER.

THE Reader by observing the Title, will find that this Essay was writ not long before the Restoration of King Charles II. Mr. PRYNNE, who wasthe Author of it, and one of the Chief Managers in the Long Parliament, and particularly at the Tryal of the Earl of Strafford ; being conscious to himself that he had offended both against God and the Laws of his Country, in joyning with the COMMON-WEALTH-PARTT against the King, and consequently by his Parts and Industry had misled a great many of his Fellow Subjects, as the properest Method to make his Atonement, and shew the Nation the Sense he had of his former Mistakes, among other things publishes the following Paper, in which he has compendiously stated and asserted the Divine Right of Kings, and enforc'd his Arguments with a great many strong Proofs, collected from Scripture and the Laws of the Kingdom.

Now as to my Design in Reprinting it, it is the very same that induc'd this Gentleman to publish the Original. He saw doubtless the Confusions the Nation must be expos'd to for want of Right No-tions concerning the Power and Title of the Prince.

The P R E F A C E.

The People then were generally in a State De-
lusion, as they now are, and much Art and In-
dustry had been us'd to instill into 'em Principles
of Anarchy and Rebellion, they were instructed, are n
that the Title of Kings depended solely upon them, for
and was only a precarious Trust which might be tions
entirely destroyed, or with-held upon the least and A
Dislike of the Prince's Conduct, without any regard Ma
to Hereditary Right. Trans

These were the Principles that then laid the Nation in Blood and Ruin, and at last destroy'd the King himself; the sad Effects of which we still feel, and an in I am afraid have now more than ordinary Cause of th with
to fear.

Are not the same wicked Tenets openly avow'd Tb
and in the most solemn and deliberate manner ass Parli
ted and maintain'd? Has not the present Prince them
Title been publickly arraign'd, condemn'd and ab- still t
stracted from all manner of Hereditary Right stirpar
Has She not been told that all her Right was not b
grounded upon a Revolution Foundation, and that occasi
she had no Title but what was deriv'd to her der
from thence? Have not new Models of Govern with
ment been propos'd, and frequent Attempts made bably
to begin the Constitution de novo? And are there to m
not a Sett of Profligates that daily tell the Peo
ple, that the Prince has no absolute Right, ei
ther to their Active or Passive Obedience, any
longer than she governs according to their Schemes,
prefers, and encourages their Party, and suffers
herselv

The PREFACE.

De-
In-
les herself to be acted purely by their Politicks ? And
ed, are not the Persons that rebuke them for these
em, sort of Practices treated with infamous Distin-
bections, and represented as Encouragers of Popery
eas and Arbitrary Principles ?

ari Many other Instances might be given of the
Transactions of some among us, directly opposite
Na to the Constitution both in Church and State, but
ing those already mentioned being sufficient to convince
and an indifferent Reader, of the Necessity of Papers
use of this nature, I shall trouble him no further than
with this short Remark, viz.

v'd That this Author being a Member of the long
sser Parliament, indeed one of the Greatest among
cel them, and joyning with them in all their Methods,
ab-till they proceeded to set up Themselves and ex-
it stirpate the Royal Family, consequently can-
was not be suspected of the least Partiality upon this
bat occasion. Upon which account I hope the Rea-
her der will be induc'd to peruse this Compendium
ern with that Deliberation it deserves, and then pro-
add abably it may serve him as a Clew to lead him on
bere to more deep and solemn Enquiries.

THE PRAEACE.

the Masses of the people
the Masses of the people
the Masses of the people
the Masses of the people

K

I.

K

Subje

Prou.

remon

A Di

21. 1

Lord

art u

24. 2

meda

Eccl.

mane

of thy

17. 3

Curse

24. 6

363

364

THE TITLE OF
KING CHARLES

Proved by LAW.

i. Pet. 2. 17. Fear God, Honour the King.

KINGS are Jure Divino, by Divine Right to be obeyed, and not by violent force of Subjects to be resisted, although they act wickedly, Prov. 8. 15. By me Kings Reign, Dan. 2: 21. He removeth Kings and setteth up Kings, Prov. 16. 10. A Divine sentence is in the lips of the Kings Prov. 21. 1. The Kings Heart is in the hand of the Lord. Job 34. 18. Is it fit to say to a King thou art wicked, and to Princes, ye are ungodly, Prov. 24. 21. Fear thou the Lord and the King, and meddle not with them that are given to change. Eccl. 8. 2. I Counsel thee to keep the Kings Commandment, Exod. 22. 28. Thou shalt not speak evil of thy Prince, nor detract the Magistrate. 2 Pet. 2. 17. Fear God, Honour the King, Eccles. 10. 2C. Curse not the King, no not in thy thought, 1 Sam. 24. 6. The Lord forbid that I should do this thing unto my

my Master the Lord's anointed, to stretch forth my hand against him, seeing he is the Lord's anointed.

From which premisses none unless those who deny the Scripture, can deny the seconsequences, *Jura regalia of Kings, are holden of Heaven*, and that they cannot for any cause escheat to their Subjects: that active obedience is to be yielded to the King as Supream, *in omnibus licitis*, in all things lawful. But if God for the punishment of a Nation, should set up a Tyrannical King, *Secundum voluntatem pravam non rationem retam regentem*, Governing by his depraved will against reason, and commanding things contrary to the word of God, we must not by force of Arms Rebel against him; but rather than so (if not prevailing by Petition unto him, or escaping by flight from him patiently subject to the lost of our Lives and Estates, and in that case, *atma nostra sunt preces nostræ, nec possumus, nec decemus aliter resistere*, our Prayers and tears should fight, and not our swords: for who can lift up his hand against the Lord's anointed, and be guiltless? this in Scripture we find practiced, by God's People to Pharaoh, *Exod. 5. 1.* and the same People to Nebuchadnezzar, a Tyran, were commanded to perform obedience, and to pray for him, though there was no wickedness almost which he was not guilty of, his successor Darius, *Daniel* obeyed, and said O King live for ever, *Dan. 6. 21.* for now no private Person hath with *Ehud*, *Judg. 3. 31.* Extraordinary command-

mandment from God to kill Princes, nor no Personal Warrant from God, as all such persons had who attempted any thing against the Life even of Tyrants, *nil sine prudenti fecit ratione vetustas.*

2. The King hath his Title to the Crown, and to His Kingly Office and Power, and by way of trust from the People, but by inherent Birth-right, immediatly from God, nature and the Law, *i. Reg. Ja. i. li. 7. 12. Calvin's Case.*

3. The Law of Royal Goverment, is a Law Fundamental, *i. Pars. Just. fo. 11.*

4. The King's Prerogative and the Subjects Liberty are determined, and bounded by the Law: *Bracton. fo. 134. Plowden, fo. 236. 237.*

5. By Law no Subjects can call their King in question, to answer for his actions, be they good or bad, *Bracton. fo. 5. 6.* if any one hath cause of action against the King (because there is no Writ runneth against him) his only remedy is by Supplication and Petition to the King, that ye would vouchsafe to correct and amend that which he hath done, which if he refuse to do, only God is to revenge and punish him, which is punishment enough, no Man ought to presume to dispute the Kings Actions, much less to rebel against him.

6. The King hath no superiour but the Almighty God; all his People are inferior to him, he inferiour to none but God.

7. The King is *caput reipublicæ*, the head of the Commonwealth immediately under God. *Finch. 81.* And

And therefore carrying God's Stamp and Mark among Men, and being as one may say a God upon Earth, as God is a King in Heaven, in a similitudinary sort given him. (*Braeton, fo. 5.*
Cum sit dei vicarius, evidenter apparat ad similitudinem Jesu Christi, cuius vicesgeret in terris) that is to say----

1. Divine perfection.
2. Infiniteness.
3. Majesty.
4. Sovereignty and Power.
5. Perpetuity.
6. Justice.
7. Truth.
8. Omnipotence.

1. Divine perfection in the King no imperfect thing can be thought, no folly, negligence, infamy, stain or corruption of Blood can be adjudged in him; *So nullam tempus occurrit regi.*

2. Infiniteness, the King in a manner is every where, and present in all Courts, and therefore it is that he cannot be non-suit, and that all Acts of Parliament that concern the King are general; and the Court must take notice without pleading them, for he is in all, and all have their part in him. *Fitz. Urb. 21. H. 8. Br. tit. non-suit 68.*

3. Majesty, the King cannot take nor part from any thing, but by matter of record, and that is in

in respect of his Majesty, unless Chatte or the like ; because *deminimis non curat, lex,* 5. Ed. 4.

7. 4. E. 6. 31. 2. H. 4. 7.

4. Sovereignty and Power, all the Land is holden of the King, no action lyeth against him, for who can command the King, he may compel his Subjects to go out of the Realm to War, hath absolute Power over all ; for by a clause of *non obstante*, he may dispense with a Statute, though the Statute say, such dispensation shall be meerly void. 7. E. 4. 17. 21. *Calvin's Case.*

Bracton, Rex habet potestatem Jurisdictionem super omnes qui in regno suo sunt aquae Jurisdictionis, & pacis ad nullam pertinent nisi ad regiam dignitatem, habet etiam coercionem, ut delinquentes paniat & ceorceat ; And therefore ought to have the Militia.

5. Perpetuity, the King hath a perpetual succession, and never dieth, for in Law it is called the *demise* of the King, and there is no *Interregnum*, a gift to the King goeth to his Successors, though not named, for he is a Corporation of himself, and hath two capacities, (to wit) a natural Body, in which he may inherit to any of his Ancestors, or purchase Lands to him, and the Heirs of his Body, which he shall retain, although he be afterwards removed from his Royal Estate ; and a Body Politick, in which he may purchase to him and his Heirs Kings of *England*, or to him and his Successors, yet both Bodies make but

but one individual Body. *Plowden* 213. 233.
242. li. 7. 12.

6. Justice, the King can do no wrong, therefore cannot be a disseisor, he is all Justice, *veritas & justitia*, saith *Bracton*, *circasolium ejus*, they are the two supporters that do hold up his Crown, he is *medicus regni*, *pater patria*, *sponsus regni* qui per annulum is espoused to his Realm at his Coronation, he is God's Lieutenant, and is not able to do an unjust thing. 4. E. 4. 25. *Potentia injuria est impotentia naturae*, his Ministers may offend, and therefore to be punished if the Laws are violated, but not he.

7. Truth, the King shall never be stopped, Judgment final in a Writ of right shall not conclude him. 18. E. 3. 38. 20. E. 3. *Fitz. Droit. 15.*

8. Omniscience, when the King licenceth expressly to alienate an Abbot, &c. which is in *mortmain*, he needs not make any *non obstante* of the Statutes of *mortmain*, for it is apparent to be of the Law, and therefore shall not be intended *misconu-*
fant of the Law, for *præsumitur rex habere omnia* *Jura inscrinio pectoris sui.* 2. *Just. 99.* and therefore ought to have a Negative voice in Parliament, for he is the Fountain of Justice from whence the Law floweth.

High Treason can be committed against none, but the King, neither is any thing High Treason, but what is declared so to be by the Statute. 25.

Ed-

Ed. 3. c. 21. to leavy War against the King, to compass or imagine his death, or the death of his Queen, or of his Eldest Son, to counterfeit his Mony, or his great Seal, to imprison the King until he agree to certain demands, to leavy War to alter Religion, or the Law, to remove Counsellours by Arms, or the King from his Counsellours, be they evil or good by Arns, to seize the Kings Forts, Ports, Magazin of War, to depose the King, or to adhere to any State within or without the Kingdom, but the King's Majesty, is High Treason, for which the offender have Judgment.

First, to be drawn to the gallows.

Secondly, There to be hanged by the Neck, and cut down alive.

Thirdly, His intrals to be taken out of his Belly, and he being alive to be Burnt before him.

Fourthly, That his Head should be cut off.

Fifthly, That his Body should be cut in Four parts.

Sixthly, That his Head and his Quarters should be put where the King the Lord pleaseth.

POST-

POSTSCRIPT.

THE Divine Right of Kings, and particularly that of the Princes of this Nation, is so compendiously asserted, and demonstrated in this short Essay, that I hope there will need no further Arguments to recommend it.

If the Quotations this Gentleman has made from the Holy Scriptures, as well as from the best of our Law Books are genuine, and if he has not misapply'd the Sense of the Authors, then the Case is too plain to admit of a Dispute, and cannot be controverted without the highest Obstinacy and Presumption.

Our Modern Undertakers may Ridicule and Mangle the Old, and set up a new Sort of Right of their own Invention. They may be so daring to Insult their Princes, arraign their Prerogative, and at last to go on

on to open *Violence* and *Rebellion*; but if they bring no better Authorities to warrant their Proceedings than those collected from *Rebels* and *Atheists*, they can never evade the Charge this Gentleman has drawn up against them, nor destroy that *Divine Right* which stands so solemnly confirm'd by *God, Nature, and the Laws of the Land.*

Those that have a Desire to be fully inform'd concerning the Right and Power of the Prince, will find them more amply discuss'd in a Book writ by Dr. Usher Archbishop of *Armagh*. Published by Dr. Sanderford Bishop of *Lincoln*.

THE Power communicated by God to the Prince and the Obedience required of the Subject briefly laid down and confirmed out of the Holy Scriptures; the Testimony of the Primitive Church, the Dictates of right Reason, and the Opinion of the Wisest among the Heathen Writers: By the most Reverend Father

ther in God James Usher late Lord Archbishop of Armagh and Primate of all Ireland faithfully published out of the Original Copy (written with his own Hand) by the Reverend Father in God Robert Saunderson Lord Bishop of Lincoln with his Lordship's Preface thereunto.

A Friendly Debate between a *Conformist* and *Non-conformist*; containing a clear Resolution of Material Points, in a Difference between the *Church of England* and *Dissenters*, in order to a Reconciliation. By the late Right Reverend Father in God, *Simon Patrick*, Lord Bishop of *Ely*. In two Parts.

The Unity of the *Church of England* and *Evangelical Priesthood*, asserted against the *Anabaptists*, and all other Sectaries of whatsoever Denomination, wherein their Arguments for it are Refuted at large, their Grounds of Separation from the Church demonstrated to be Slanders; and the Matter of them most justly retorted upon themselves, as altogether inconsistent with the Notion of a *Christian Church*, and so creating a constant and indelible Prejudice against Communion with them. By a Divine of the Church of *England*.

Sold at the Turk's-Head over against Fetter-lane
in Fleetstreet.